



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States Courthouse
300 Quarropas Street
White Plains, New York 10601*

July 24, 2019

BY ECF

The Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: *United States v. Nicholas Tartaglione*, S4 16 Cr. 832 (KMK)

Dear Judge Karas:

The Government respectfully submits this letter to update the Court regarding the conditions of the defendant's confinement at the Metropolitan Correctional Center in Manhattan ("MCC"). Legal counsel at the MCC has informed the Government that since the most recent conference in this case on July 22, 2019, the MCC has taken multiple steps to address the Court's concerns. First, Mr. Tartaglione has received a fresh pack of batteries. Second, Mr. Tartaglione has been permitted to select five books that he has not yet read and to keep them in his cell.¹ Third, Mr. Tartaglione has been provided with all of the discovery materials that he is permitted to keep in his cell. Fourth, a hard drive containing a complete set of all discovery produced to date—with the exception of certain sensitive materials that cannot be kept inside a jail facility—has been transferred to a discovery room, where Mr. Tartaglione can review the drive's contents. Mr. Tartaglione reviewed that discovery today.

¹ MCC staff provided Mr. Tartaglione with five books to keep in his cell yesterday. Mr. Tartaglione subsequently informed MCC staff that he had already read four of those books. This morning, Mr. Tartaglione had a legal visit after which he spent multiple hours reviewing his discovery. The Government understands that within approximately the last three hours, MCC legal staff personally met with Mr. Tartaglione in the discovery review room and allowed him to select four books that he has not yet read. Mr. Tartaglione was still reviewing his discovery when MCC legal counsel left for the day, but counsel assured the Government that Mr. Tartaglione would be permitted to swap the four books he selected for the four books he has already read upon returning to his cell this evening.

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In the future, as soon as Mr. Tartaglione finishes a book or needs a new battery, he should notify MCC staff, who will provide a replacement upon request.² Should Mr. Tartaglione require additional time to review his discovery, he should inform MCC staff.

The Government has conveyed to MCC legal counsel that under no circumstances should any MCC staff member retaliate or threaten to retaliate in any way against Mr. Tartaglione for his complaints or requests. MCC legal counsel have assured the Government that MCC staff is aware of this instruction.

Should the Court have any questions or require any additional information regarding these matters, the Government will promptly provide additional updates. The Government and MCC legal counsel will continue to work with counsel for Mr. Tartaglione to ensure that any additional concerns are addressed as quickly as possible.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/ Maurene Comey
Maurene Comey
Jason Swergold
Assistant United States Attorneys

Cc: Counsel of record (by ECF)
Adam Johnson, Esq. (by email)

² The Government understands from speaking with MCC legal counsel that at the time of the July 22, 2019 conference, Mr. Tartaglione had batteries in his cell, but he had not notified MCC staff that the batteries needed to be replaced.